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FILED
APR 18 2018

Tom Powers, Clerk
By _____
Deputy Clerk

MONTANA SECOND JUDICIAL DISTRICT COURT
SILVER BOW COUNTY

DAVID J. SALAZAR,)	
)	
Plaintiff,)	
)	
vs.)	Cause No. DU-18-147 Brad Newman
)	Judge, Dept. U
)	COMPLAINT
DONALD P. ROTH, JR., and)	
KNITNEY LINES INC.,)	
)	
Defendants.)	

COMES NOW, the Plaintiff, David Salazar (hereafter "Dave"), by and through his counsel of record, Joyce & MacDonald, PLLP, and for his complaint against the Defendants, Donald P. Roth, Jr. ("Roth"), and Knitney Lines Inc. ("Knitney"), alleges as follows:

I.

Dave is a resident of Butte, Silver Bow County, Montana. Roth is a resident of Pennsylvania. Knitney is a Delaware corporation with its principal place of business in Pennsylvania.

II.

The events giving rise to this Complaint occurred in Sweet Grass County, Montana.

III.

The Court has jurisdiction over the parties and Dave's claims.

IV.

Venue is proper with this Court pursuant to Montana Code Annotated § 25-2-122 because Dave resides in Silver Bow County.

V.

On or about October 11, 2016, Dave was legally and lawfully operating a tractor trailer westbound on Interstate 90. Dave was traveling in a reasonable manner based on the weather conditions.

VI.

On or about October 11, 2016, Roth was also operating a tractor trailer westbound on Interstate 90 in the same lane as, and behind, Dave. Roth negligently drove too fast for road conditions.

VII.

Roth negligently failed to operate his vehicle in a careful and prudent manner under the circumstances and negligently failed to notice Dave's vehicle ahead of him, causing him to violently collided with Dave's vehicle.

VIII.

At the time of the collision, Roth was an agent of Knitney and was acting within the course and scope of his employment.

IX.

Roth's negligence was the sole and proximate cause of the collision and Dave's resulting damages.

X.

As a direct and proximate result of Roth's negligence, Dave suffered serious personal injuries, incurred medical expenses, will incur medical expenses in the future, lost wages, will lose wages in the future, and suffered, and will continue to suffer, pain of body and mind. Dave's injuries have caused, and will continue to cause, Dave to suffer a diminution in his ability to enjoy his established course of life, and a diminution of his future earning capacity.

XI.

Dave is legally entitled to recover damages from Defendants for all detriment caused by Roth's negligence.

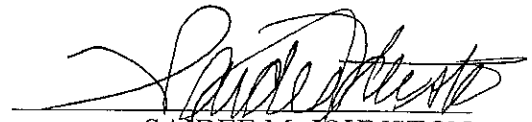
XII.

WHEREFORE, the Plaintiff prays for relief as follows:

1. For those damages to be proven at trial.
2. For the costs of suit incurred herein.
3. For any other relief the Court deems just and proper.

DATED this 16th day of April 2018.

Joyce & MacDonald, PLLP


SANDEE M. JOHNSTON
Attorney for Plaintiff